

Copy #39

PATENT  
Customer No. 22,852  
Attorney Docket No.: 01142.0122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
PAUSCH, Mark H. <i>et al.</i>	)	
Application No.: 08/816,011	)	Group Art Unit: 1646
Filed: March 11, 1997	)	Examiner: M. PAK
For: POTASSIUM CHANNELS, NUCLEOTIDE	)	
SEQUENCES ENCODING THEM, AND	)	
METHODS OF USING SAME	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**STATEMENT TO SUPPORT FILING AND SUBMISSION**  
**UNDER 37 C.F.R. §§1.821 - 1.825**

Applicants submit the enclosed substitute copy of the Sequence Listing to correct an inadvertent error. It has come to Applicants' attention that the revised Sequence Listing indicates that the amino acid sequence of SEQ ID NO:4 is encoded by a nucleotide sequence isolated from *D. melanogaster*. In fact, the sequence should be identified as an amino acid sequence encoded by a nucleotide sequence isolated from the species *C. elegans*. This is supported by page 40 of the specification. Please substitute the enclosed Sequence Listing for the Sequence Listing submitted October 15, 2001, and place the enclosed computer readable form of the Sequence Listing into the file.

In connection with the Substitute Sequence Listing submitted herewith, the undersigned hereby states that:

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1. The submission, filed herewith in accordance with 37 C.F.R. § 1.821(g),  
does not contain any new matter;

2. The content of the attached paper copy and the attached computer readable  
copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and  
(e), respectively, are the same; and

3. All statements made herein on the undersigned's knowledge are true, and all  
statements made on information and belief are believed to be true, and further that  
these statements were made with the knowledge that willful false statements and the  
like so made are punishable by fine or imprisonment, or both, under Section 1001 of  
Title 18 of the United States Code, and that such willful false statements may  
jeopardize the validity of the application or any patent resulting therefrom.

Please grant any extensions of time required to enter this response and charge  
any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

By:  REG. NO. 47,721  
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Date: March 12, 2003